REMARKS

This communication responds to the Office Action dated October 18, 2011.

Claims 165, 218, 252, and 260 are amended, no claims are canceled or are added; as a result, claims 165-167, 185, 218-220, 236, 252, and 256-261 remain pending in this application.

Specification Objections

Under the "Specification" heading on page 9 the Office Action stated the following.

> The amendment filed 8/15/2011 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The current amendment to independent claims 165, 218, 252, and 260 includes removing the underlined words from the limitation " automatically retrieving personal information previously stored in a permanent memory in the client system, the retrieved personal information pertaining to a user associated with the client system", which has rendered the claims indefinite and not fully supported by the applicant's originally filed disclosure. The disclosed embodiment (see applicant's prior patent, col.8, lines 52-coI.9, line 2), recites following critical factors to implement the claimed inventions: The personal information is stored in a permanent memory in the client computer [such as a set-top box of the TV] and not external to the client computer such that the user while viewing an item on TV screen wanting to order the item can press one button on the remote control. Pressing the button triggers appending the previously stored personal information from the permanent memory of the client with the item number currently being offered on the TV screen and transmitting the order to a central computer. The claims, as recited, do not include the above critical features.[1]

Claims 165, 218, 252, and 260, as amended, do not recite personal information or any operations pertaining to personal information. As the limitations regarded in the Office Action

[1] Office Action mailed on 10-18-11, page 9.

to be new matter are deleted from the claims, it is respectfully requested that the objection be withdrawn.

The Rejection of Claims Under § 112

Claims 165-167, 185, 218-220, 236, 252, 256-261 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 165, 218, 252, and 260, as amended, do not recite personal information or any operations pertaining to personal information. Claims 165, 218, 252, and 260, as amended, and their respective dependent claims comply with the written description requirement, as each claim limitation in each of the independent claims is supported in the originally filed disclosure.

Claims 165-167, 185, 218-220, 236, 252, 256-261 are rejected under 35 U.S.C. 112, first paragraph, "as failing to comply with the enablement requirement."[2]

The enablement requirement refers to the requirement of 35 U.S.C. 112, first paragraph, that the specification describe how to make and how to use the invention. The invention that one skilled in the art must be enabled to make and use is that defined by the claim(s) of the particular application or patent.[3] As the enablement requirement pertains to a specification, the rejection of claims "as failing to comply with the enablement requirement" is not proper. It is respectfully submitted that the specification complies with the enablement requirement, as it describes how to make and how to use the invention that is defined by the claims of the present application, as amended.

Claims 165-167, 185, 218-220, 236, 252, and 256-261 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 165, 218, 252, and 260, as amended, and their

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[2] Office Action mailed on 10-18-11, page 6.

[3] MPEP section 2164.

respective dependent claims are not indefinite, as each claim limitation in each of the independent claims is supported in the originally filed disclosure.

Claims 165-167, 185, 218-220, 236, 252, 256-261 are rejected under 35 U.S.C. 112, second paragraph, as "being incomplete for omitting essential elements."[4]

The second paragraph of 35 U.S.C. 112 requires that the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. It is respectfully pointed out that, contrary to the Examiner's assertion, *the second paragraph* of 35 U.S.C. 112 does not refer to claims "being incomplete for omitting essential elements." The rejection of the claims as "being incomplete for omitting essential elements" under 35 U.S.C. 112, second paragraph, is therefore improper.

Furthermore, it is respectfully submitted that claims 165, 218, 252, and 260, as amended, do not recite personal information or any operations pertaining to personal information and that these currently removed limitations are not disclosed in the specification to be essential elements. Therefore claims 165, 218, 252, and 260, as amended, and their respective dependent claims do not omit matter disclosed in the specification to be essential.

As claims 165-167, 185, 218-220, 236, 252, and 256-261 comply with the requirements of 35 U.S.C. 112, first and second paragraphs, it is respectfully requested that the rejections be withdrawn.

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[4] Office Action mailed on 10-18-11, page 8.

AMENDED INDEPENDENT CLAIMS WITH MARK-UP

165. (Currently Amended) A method to facilitate placing an order for an item, the method comprising:

at a source of a data stream, providing a series of time division multiplexed packets, ones of which contain auxiliary data that represent a video program, and others of which represent a distributed computing application associated with said video program, and wherein said distributed computing application is repetitively transmitted independent of receiving client computer apparatus during times that said video program is transmitted;

receiving an order request at a client system, the client system comprising a packet selector connected to said source for selecting and directing packets containing said auxiliary data representing said video program to a video signal processor and selecting and directing packets containing said associated distributed computing application to a further processor, said further processor including means to assemble said distributed computing application and execute said distributed computing application to form an interactive video program in which execution of said distributed computing application alters said video program;

automatically determining an item identity for an item to which the order request pertains;

~~automatically retrieving personal information previously stored, the retrieved personal information pertaining to a user associated with the client system;~~ and

causing an order to be placed, the order including the item identity ~~and the retrieved personal information~~.

218. (Currently Amended) A client system including:

an input terminal for receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application which distributed computing application is repetitively transmitted independently of said client

computer and at least one of the packets representing the distributed computing application includes a directory containing information inter-relating ones of the packets containing said distributed computing application;

a receiver, coupled to said input terminal, to receive the data stream including information related to an item, providing separate data streams of said video signal and said distributed computing application, extracting said directory packet and responsive to the directory, extracting packets containing said distributed computing application representative data; and

a processing unit, coupled to the data stream receiver, for assembling said distributed computing application and executing the distributed computing application comprising:

a system bus;

read/write memory, coupled to the system bus;

a data stream input/output adapter, coupled between the data stream receiver and the system bus, for receiving the extracted distributed computing application representative data from the data stream receiver, and storing it in the read/write memory, and having a control output terminal coupled to the selection control input terminal of the data stream selector, for producing the selection control signal; and

a processor, coupled to the system bus, for controlling the data stream input/output device to generate a selection control signal selecting a specified one of the plurality of data streams, and for assembling and executing the distributed computing application stored in the read/write memory,

the processing unit to:

receive an order request;

automatically determine an item identity for the item utilizing the information related to the item;

~~automatically retrieve personal information previously stored, the retrieved personal information pertaining to a user associated with the client system;~~ and

cause an order to be placed, the order including the item identity ~~and the retrieved personal information~~.

252. (Currently Amended) A machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitate placing an order for an item by:

at a source of a data stream, providing a series of time division multiplexed packets, ones of which contain auxiliary data that represent a video program, and others of which represent a distributed computing application associated with said video program, and wherein said distributed computing application is repetitively transmitted independent of receiving client computer apparatus during times that said video program is transmitted;

receiving an order request at a client system, the client system comprising a packet selector connected to said source for selecting and directing packets containing said auxiliary data representing said video program to a video signal processor and selecting and directing packets containing said associated distributed computing application to a further processor, said further processor including means to assemble said distributed computing application and execute said distributed computing application to form an interactive video program in which execution of said distributed computing application alters said video program;

automatically determining an item identity for an item to which the order request pertains;

~~automatically retrieving personal information previously stored, the retrieved personal information pertaining to a user associated with the client system;~~ and

causing an order to be placed, the order including the item identity ~~and the retrieved personal information~~.

260. (Currently Amended) An interactive television system, the system including:

an input terminal for receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application which distributed computing application is repetitively transmitted independently of said client computer and at least one of the packets representing the distributed computing application includes a directory containing information inter-relating ones of the packets containing said distributed computing application;

a receiver, coupled to said input terminal, to receive the data stream including information related to an item, providing separate data streams of said video signal and said distributed computing application, extracting said directory packet and responsive to the directory, extracting packets containing said distributed computing application representative data; and

a processing unit, coupled to the data stream receiver, for assembling said distributed computing application and executing the distributed computing application comprising:

a system bus;

read/write memory, coupled to the system bus;

a data stream input/output adapter, coupled between the data stream receiver and the system bus, for receiving the extracted distributed computing application representative data from the data stream receiver, and storing it in the read/write memory, and having a control output terminal coupled to the selection control input terminal of the data stream selector, for producing the selection control signal; and

a processor, coupled to the system bus, for controlling the data stream input/output device to generate a selection control signal selecting a specified one of the plurality of data streams, and for assembling and executing the distributed computing application stored in the read/write memory,

the processing unit to:

receive an order request;

automatically determine an item identity for the item utilizing the information related to the item;

~~automatically retrieve personal information previously stored, the retrieved personal information pertaining to a user associated with the client system;~~ and

cause an order to be placed, the order including the item identity ~~and the retrieved personal information~~.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4052

Date January 17, 2012 By /Elena Dreszer/

Elena B. Dreszer
Reg. No. 55,128